

REMARKS

Claims 1-20 are pending in the present application. By this amendment, claims 1, 5-6, 8, 10, 12-13, 15, and 17-20 are amended. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

I. Claim Rejections

Claim Rejections Under 35 U.S.C. §101

Claims 6 and 19 are rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action notes that the claims recite a “computer-readable medium” which can embody a non-statutory subject matter of transmission medium. Accordingly, claims 6 and 19 have been amended to recite “computer storage media” as suggested by the Examiner. Applicants respectfully request that withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. 102(e)

Claim 1-5, 7-18, and 20 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by United States Patent No. 6,516,427 to Keyes et al. (hereinafter “Keyes”). This rejection is respectfully traversed.

Applicants respectfully note that claims 6 and 19 are not currently rejected under 35 U.S.C. §102 or §103. As discussed in MPEP §2106(IV)(B), “If USPTO personnel can establish a *prima facie* case that a claim does not fall into a statutory category, the patentability analysis does not end there” because “USPTO personnel must still examine the claims for compliance with 35 U.S.C. 102, 103, and 112.” Since claims 6 and 19 have not been rejected under §102 or §103, Applicants presume that these claims are allowable. However, if claims 6 and 19 were not examined for compliance with §102 and §103 and another office action is issued, Applicants respectfully request that the further office action not be made final.

A. Claims 1-5 and 7 are allowable.

As amended, claim 1 recites that a method for utilizing server-side entry points in providing diagnostics on-demand comprises in response to the request, calling an entry point provided at a server computer for performing functions related to executing a diagnostic, the

called entry point operative to provide a configuration file identifying to the client computer one or more additional entry points at the server computer; calling a one of the entry points identified in the configuration file to obtain authorization to download a diagnostics module for testing a single hardware component of the client computer; and in response to receiving the authorization to download the diagnostics module, calling a one of the entry points identified in the configuration file to download the diagnostics module.

Keyes does not teach or suggest a method for utilizing server-side entry points in providing diagnostics on-demand as recited by claim 1. On the contrary, Keyes describes a method for remotely diagnosing malfunctions of a peripheral device including sending an HTTP request message denoting a failure event and requesting diagnostic assistance from an event registration and detection routine running on the peripheral device to a remote diagnostic device (RDD); in response to receiving the HTTP request message at the RDD, responding via an HTTP connection with the peripheral device by either 1) dispatching a Request message to the peripheral device to run a resident diagnostic subroutine (*i.e.*, a diagnostic subroutine stored at the peripheral device), 2) dispatching an executable diagnostic subroutine to be run by the peripheral device, or 3) asking the peripheral device to try again after some time has passed; and if an executable diagnostic subroutine is dispatched to the peripheral device by the RDD, then interpreting the diagnostic subroutine and executing the subroutine on the peripheral device.

This is not analogous to the method recited by claim 1 because Keyes fails to teach or suggest calling an entry point provided at the RDD operative to provide a configuration file identifying to the peripheral device one or more additional entry points at the RDD. Instead, Keyes describes sending an HTTP request message to the RDD denoting a failure event and requesting diagnostic assistance and in response to the HTTP request, receiving an executable diagnostic subroutine, which is used for diagnosing a cause of a device malfunction, to be run by the peripheral device, without teaching or suggesting sending an HTTP request message that calls an entry point provided at the RDD operative to provide a configuration file identifying to the peripheral device one or more additional entry points at the RDD.

Moreover, Keyes fails to teach or suggest calling a one of the entry points identified in the configuration file to obtain authorization to download a diagnostic subroutine for testing a single hardware component of the peripheral device. Instead, Keyes describes receiving an executable diagnostic routine used for diagnosing a cause of a device malfunction at the

peripheral device to be run by the peripheral device in response to sending an HTTP request message, without teaching or suggesting sending an HTTP request message that calls an entry point identified by a configuration file to obtain authorization to download a diagnostic subroutine for testing a single hardware component of the peripheral device. In fact, Keyes fails to teach or suggest requesting any authorization for downloading a diagnostic subroutine.

Keyes also fails to teach or suggest calling a one of the entry points identified in the configuration file to download the diagnostics module in response to receiving the authorization to download the diagnostic module. Instead, as discussed above, Keyes describes receiving an executable diagnostic routine used for diagnosing a cause of a device malfunction at the peripheral device to be run by the peripheral device in response to sending an HTTP request message, without teaching or suggesting receiving any authorization to download the diagnostic subroutine prior to downloading the diagnostic subroutine.

For at least the reasons given above, claim 1 is allowable over Keyes. Since claims 2-5 and 7 depend from claim 1 and recite further claim features, Applicants respectfully submit that Keyes does not anticipate Applicants' claimed invention as embodied in claims 2-5 and 7. Claims 2-5 and 7 are also allowable over Keyes for other reasons. In particular, with regard to claim 2, Keyes fails to teach or suggest calling an entry point identified in a configuration file to obtain authorization to start execution of the diagnostic subroutine. Instead, Keyes describes interpreting and executing the diagnostic subroutine in response to receiving the diagnostic subroutine, without teaching or suggesting requesting authorization to start execution of the diagnostic subroutine prior to executing the diagnostic subroutine. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claims 8-14 are allowable.

As amended, claim 8 recites that an apparatus for use in providing diagnostics on-demand comprises a server computer configured to provide one or more entry points for use by a client computer when performing diagnostics on-demand, a one of the entry points providing a configuration file identifying to the client computer each of the other entry points.

Keyes does not teach or suggest an apparatus for use in providing diagnostics on-demand as recited by claim 8. In contrast, Keyes describes a system for remotely diagnosing malfunctions of a peripheral device including an event registration and detection routine of the

peripheral device operative to cause an HTTP client procedure of the peripheral device to send an HTTP request message denoting a failure event and requesting diagnostic assistance to a remote diagnostic device (RDD); the RDD operative to respond to receipt of the HTTP request message by either 1) dispatching a Request message to the peripheral device to run a resident diagnostic subroutine (*i.e.*, a diagnostic subroutine stored at the peripheral device), 2) dispatching an executable diagnostic subroutine to be run by the peripheral device, or 3) asking the peripheral device to try again after some time has passed; and if an executable diagnostic subroutine is dispatched to the peripheral device by the RDD, the peripheral device further operative to interpret the diagnostic subroutine and execute the subroutine.

This is not analogous to the apparatus recited by claim 8 because Keyes fails to teach or suggest that the RDD is operative to provide an entry point for use by the peripheral device when performing diagnostics that provides a configuration file identifying to the peripheral device each of the other entry points provided by the RDD for use by the peripheral device when performing diagnostics. Instead, Keyes describes that the RDD is operative to provide an executable diagnostic subroutine for diagnosing a cause of a device malfunction to be run by the peripheral device, without teaching or suggesting that the RDD is operative to provide an entry point for use by the peripheral device that provides a configuration file identifying to the peripheral device each of the other entry points provided by the RDD.

For at least the reasons given above, claim 8 is allowable over Keyes. Since claims 9-14 depend from claim 8 and recite further claim features, Applicants respectfully submit that Keyes does not anticipate Applicants' claimed invention as embodied in claims 9-14. Claims 9-14 are also allowable over Keyes for additional reasons. For instance, with regard to claim 9, Keyes fails to teach or suggest that the RDD is operative to provide a configuration file identifying an entry point at which a data file identifying and providing instruction for installing one or more diagnostic subroutines on the peripheral device may be retrieved. Instead, Keyes describes that the RDD is operative to dispatch an executable diagnostic subroutine to be run by the peripheral device, without teaching or suggesting that the RDD is operative to provide a configuration file identifying an entry point at which a data file identifying and providing instructions for installing the diagnostic subroutine on the peripheral device may be retrieved. Accordingly, withdrawal of these rejections is respectfully requested.

C. Claims 15-18 and 20 are allowable.

As amended, claim 15 recites that a method for utilizing server-side entry points in providing diagnostics on-demand comprises providing an entry point at a server computer for retrieving a configuration file identifying to a client computer one or more additional entry points at the server computer for use in providing diagnostics on-demand; and receiving a request at the entry point for providing the configuration file, and returning the configuration file in response to the request.

Keyes does not teach or suggest a method for utilizing server-side entry points in providing diagnostics on-demand as recited by claim 15. On the contrary, as discussed above, Keyes describes a method for remotely diagnosing malfunctions of a peripheral device including sending an HTTP request message denoting a failure event and requesting diagnostic assistance from an event registration and detection routine running on the peripheral device to a remote diagnostic device (RDD); in response to receiving the HTTP request message at the RDD, responding via an HTTP connection with the peripheral device by either 1) dispatching a Request message to the peripheral device to run a resident diagnostic subroutine (*i.e.*, a diagnostic subroutine stored at the peripheral device), 2) dispatching an executable diagnostic subroutine to be run by the peripheral device, or 3) asking the peripheral device to try again after some time has passed; and if an executable diagnostic subroutine is dispatched to the peripheral device by the RDD, then interpreting the diagnostic subroutine and executing the subroutine on the peripheral device.

This is not analogous to the method recited by claim 15 because Keyes fails to teach or suggest providing an entry point at the RDD for retrieving a configuration file identifying to the peripheral device one or more additional entry points at the RDD for use in providing diagnostics. Instead, Keyes describes dispatching an executable diagnostic subroutine to be run by the peripheral device, without teaching a suggesting providing an entry point at the RDD for retrieving a configuration file identifying to the peripheral device one or more additional entry point at the RDD for using in providing diagnostics.

Moreover, Keyes fails to teach or suggest receiving a request at the entry point for providing the configuration file and returning the configuration file in response to the request. Instead, Keyes describes receiving an HTTP request message denoting a failure event and requesting diagnostic assistance at the RDD and dispatching an executable diagnostic subroutine

for diagnosing a cause of a device malfunction to be run by the peripheral device in response to receiving the HTTP request message at the RDD, without teaching or suggesting receiving a request at an entry point for providing a configuration file and returning a configuration file in response to the request.

For at least the reasons given above, claim 15 is allowable over Keyes. Since claims 16-18 and 20 depend from claim 15 and recite further claim features, Applicants respectfully submit that Keyes does not anticipate Applicants' claimed invention as embodied in claims 16-18 and 20. Claims 16-18 and 20 are also allowable over Keyes for further reasons. In particular, with regard to claim 16, Keyes fails to teach or suggest providing an entry point at the RDD for authorizing the download of one or more diagnostic subroutines. Instead, Keyes describes dispatching an executable diagnostic subroutine for diagnosing a cause of a device malfunction to be run by the peripheral device in response to receiving the HTTP request message at the RDD, without teaching or suggesting providing any type of authorization to download the subroutine. Accordingly, withdrawal of these rejections is respectfully requested.

CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-20 are in condition for allowance. Applicants further assert that this response addresses each and every point of the Office Action, and respectfully request that the Examiner pass this application with claims 1-20 to allowance. Should the Examiner have any questions, please contact Applicants' attorney at 404.815.1900.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

Date: January 23, 2007

/Jodi L. Hartman/
Jodi L. Hartman
Reg. No. 55,251

Hope Baldauff Hartman, LLC
1720 Peachtree Street, NW
Suite 1010
Atlanta, Georgia 30309
Telephone: 404.815.1900

